

99-2506  
Order

**PLAINTIFFS' DIRECT AND DEFENDANTS' CROSS EXAMINATION DESIGNATIONS OF ABEL OGBORU**

(Counter-Designations in italicized text)

Deposition June 11, 2005

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Cross Examination	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
5:19-20					
9:16-21					
12:17-13:2					
			18:3-6		
			18:18-22		
			20:21-23		
21:7-10					
21:17-23					
25:1-6					

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25:11-21					
25:24-25					
			30:2 (beginning with "Where") - 30:6		
30:17-31:7					
31:22-24					
32:4-5					
41:5-8					
41:11-13					
42:18-20					

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44:22-45:3					
51:5-6					
51:8-11					
52:13-14					
52:16					
56:16-18					
57:5-14					
61:19-62:8					
			62:13-15	Beyond the scope of plaintiffs' original designation, and the	This designation is well within the scope of plaintiffs' direct,

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62:17 ("As of") - 20	62:17: Defendants object to the omission of "But" from the beginning of the sentence because it is incomplete and misleading. FRE 106, 403.	<i>Rec'd 11/6/08</i>		answer is not responsive to the question asked.	including the testimony designated by plaintiffs at 62:3-8 and 62:17-20. The witness' answer is directly responsive to the question.
63:15-17	62:17 (the word "But")				

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64:10-16 (beginning, "What did you")					
64:21-25					
			65:6-10	<p>This designation is beyond the scope of plaintiffs' direct designation, and the statement is hearsay.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. It is closely related to many of plaintiffs' designations. The only out-of-court statement contained in this testimony is offered for the non-</p>

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					hearsay purpose of showing its effect on the hearer and the speaker's state of mind.
68:6-8					
68:13-14					
68:17-19					
68:24-25					
69:5-7					
69:11-14					
70:5-8					



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70:18-23			70:12-17		
			70:24-71:1		
71:20-22					
76:10-12	Defendants object that plaintiffs' omission of 75:9-12 leaves the designated question re "he" incomplete and misleading. FRE 106 403.				
76:19-22	75:9-12 <i>ask him to read this, too</i>				

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			77:11-20	<p>Hearsay as to what Randy told Ogburu, and this designation is beyond the scope of plaintiffs' direct designation.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. <i>Compare</i> plaintiffs' designation at 76:19-22 regarding the witness' visit to Parabe <i>with</i> this testimony regarding the purpose for that visit. This testimony is not hearsay, as it does not include any out-of-court statement. To the extent that any such</p>



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84:15-18	Defendants object that plaintiffs' omission of the entire question (84:22) is incomplete and misleading. FRE 106, 403.				statement is embodied in the question, such statement is not offered for the truth of the matter asserted, but rather for the non-hearsay purpose of showing its effect on the listener as well as the speaker's state of mind.

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			84:22	<p>This designation is beyond the scope of plaintiffs' direct designation, and is irrelevant because the witness simply testifies as to something he can't remember.</p> 	<p>Not only is this designation within the scope of direct, it is essential for understanding the plaintiffs' direct designations at 84:15-18 and 84:23. Plaintiffs' assertion that this testimony is irrelevant is frivolous. The testimony is crucial to avoid jury confusion.</p>
84:23					
85:25-86:5					

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			86:19-23		
			87:14-15		
			87:20-22	Lacks foundation, calls for speculation. 	There is sufficient foundation for the witness to testify that the technicians at Mabou would normally be able to fix the problem if they had the proper tools. This witness had worked in the oil industry for 35 years (9:18-21), during which he held positions such as field supervisor responsible for oil production activities

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					(25:16-17). His testimony is not speculative; rather it is based on his industry knowledge, experience and personal observations.
			88:4	Lacks foundation, speculation. 	There is sufficient foundation for the witness to testify that the technicians at Mabu would normally be able to fix the problem if they had the proper tools. This witness had worked in the oil industry for 35 years (9:18-21), during which he held

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88:13-89:1					
89:19-23					
90:1-2					
90:5-6					positions such as field supervisor responsible for oil production activities (25:16-17). His testimony is not speculative; rather it is based on his industry knowledge, experience and personal observations.

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90:16-18					
			93:17	<p>This designation is beyond the scope of plaintiffs' direct designation and irrelevant.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. It is closely related to many of plaintiffs' designations and is relevant to understanding this witness' conduct during the incident as well as CNL's state of mind regarding the hostage-taking</p>



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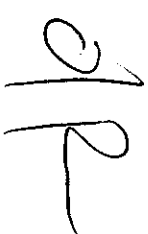
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					incident.
			93:19-21	<p>This designation is beyond the scope of plaintiffs' direct designation and irrelevant.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. It is closely related to many of plaintiffs' designations and is relevant to understanding this witness' conduct during the incident as well as CNL's state of mind regarding the hostage-taking incident.</p>

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			94:16-95:5	<p>This designation is beyond the scope of plaintiffs' direct designation, irrelevant, and Oburu and Randy's statements are hearsay.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. It is closely related to many of plaintiffs' designations and is relevant to understanding this witness' conduct during the incident as well as CNL's state of mind regarding the hostage-taking. The only out-of-court statements contained in this testimony are</p>

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					offered for the non-hearsay purpose of showing their effect on the hearer and the speaker's state of mind.
			95:8-11	<p>This designation is beyond the scope of plaintiffs' direct designation and irrelevant.</p> <p><i>OR</i></p>	<p>This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. It is closely related to many of plaintiffs' designations and is relevant to understanding this witness' conduct during the incident as</p>

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					well as CNL's state of mind regarding the hostage-taking incident.
			98:8-24	<p>This designation is beyond the scope of plaintiffs' direct designation and irrelevant.</p> <p align="center"><i>OPR</i></p>	<p>This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. It is closely related to many of plaintiffs' designations and is relevant to understanding this witness' conduct during the incident as well as CNL's state of mind regarding the</p>

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					hostage-taking incident.
			99:13-15		
99:21-24					
			99:25-100:13	This designation is beyond the scope of plaintiffs' direct designation.	The beyond-the-scope objection is frivolous. This testimony discusses the same subject as the testimony plaintiffs designated at 99:21-24.
100:14-17					
			100:18-20	This designation is beyond the scope of	The beyond-the-scope objection is

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				<p>plaintiffs' direct designation. The answer is also misleading and prejudicial under Rule 403 because it creates the impression that Simeon told Ogburu that the Ilaje had made threats before he left Escravos, but it's clear from 100:21-23 that he couldn't communicate with Simeon after Ogburu went to Escravos, and 101:2-5 makes clear that before Ogburu went to Escravos, he never heard any threats from the Ilaje.</p>	<p>frivolous. This testimony concerns the same subject matter as the immediately preceding testimony at 100:14-17, which has been designated by plaintiffs, as well as many of plaintiffs' other designations for this witness. The Rule 403 objection fares no better. Plaintiffs' suggestion that the testimony is misleading is entirely without merit. The testimony is clear and, moreover, plaintiffs' arguments at most would go to</p>



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101:2-5 (only "Yes.")					the weight of the testimony, not its admissibility.
104:13-17					
107:3-7					
107:10-14					
107:17					
			114:10-16	This designation is beyond the scope of plaintiffs' direct designation and irrelevant.	This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this



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					witness' experiences during the incident. It is closely related to many of plaintiffs' designations and is relevant to understanding this witness' conduct during the incident and CNL's state of mind regarding the hostage-taking incident.
			125:4-7	This designation is beyond the scope of plaintiffs' direct designation and cumulative of previous testimony.	This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident.

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					It is closely related to many of plaintiffs' designations and is not cumulative of prior designated testimony.
			125:19-20		
			125:23-126:3	This designation is beyond the scope of plaintiffs' direct designation, waste of time and irrelevant.	This designation is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' experiences during the incident. It is closely related to many of plaintiffs' designations and is relevant. This

*OR*

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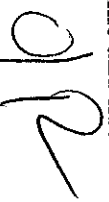
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					designation is not a waste of time.
			126:6-7		
			135:13-16	<p>This designation is beyond the scope of plaintiffs' direct designation, waste of time and irrelevant.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which includes numerous designations regarding Simeon. <i>See e.g.</i>, 42:18-20; 44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8. Simeon's location on the platform is highly relevant.</p>
			135:20-23	<p>This designation is beyond the scope of</p>	<p>This designation is well within the scope</p>

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				<p>plaintiffs' direct designation, waste of time and irrelevant.</p> 	<p>of plaintiffs' direct, which includes numerous designations regarding Simeon. <i>See e.g.</i>, 42:18-20; 44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8. Simeon's location on the platform is highly relevant. This testimony is not a waste of time.</p>
			136:1-6	<p>This designation is beyond the scope of plaintiffs' direct designation, waste of time and irrelevant.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which includes numerous designations regarding Simeon. <i>See e.g.</i>, 42:18-20;</p>

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					44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8. Simeon's location on the platform is highly relevant. This testimony is not a waste of time.
			136:22-23	<p>This designation is beyond the scope of plaintiffs' direct designation, waste of time and irrelevant.</p> <p align="center"><i>OK</i></p>	<p>This designation is well within the scope of plaintiffs' direct, which includes numerous designations regarding Simeon. <i>See e.g.</i>, 42:18-20; 44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8. Simeon's location on the platform is highly relevant. This testimony is not a</p>



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					waste of time.
			137:1-6	<p>This designation is beyond the scope of plaintiffs' direct designation, waste of time and irrelevant.</p> 	<p>This designation is well within the scope of plaintiffs' direct, which includes numerous designations regarding Simeon. <i>See e.g., 42:18-20; 44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8.</i> Simeon's location on the platform is highly relevant. This testimony is not a waste of time.</p>
			138:3-5	<p>This designation is beyond the scope of plaintiffs' direct</p>	<p>This designation is well within the scope of plaintiffs' direct,</p>

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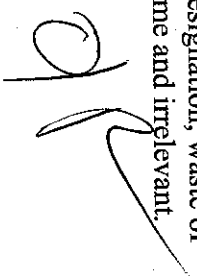
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					which includes testimony regarding this witness' discussions with Simeon (who was on the Parabe platform during the incident). <i>See e.g., 42:18-20; 44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8.</i> It is closely related to many of plaintiffs' designations and is highly relevant.
			138:7-10	This designation is beyond the scope of plaintiffs' direct designation, waste of time and irrelevant.	This designation is well within the scope of plaintiffs' direct, which includes testimony regarding this witness' discussions with

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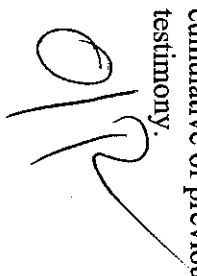
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					Simeon (who was on the Parabe platform during the incident). <i>See e.g., 42:18-20; 44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8.</i> It is closely related to many of plaintiffs' designations and is highly relevant.
			138:12	This designation is beyond the scope of plaintiffs' direct designation, waste of time and irrelevant. 	This designation is well within the scope of plaintiffs' direct, which includes testimony regarding this witness' discussions with Simeon (who was on the Parabe platform during the incident). <i>See e.g., 42:18-20;</i>

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					44:22-45:3; 52:13-16; 56:16-18; 61:19-62:8. It is closely related to many of plaintiffs' designations and is highly relevant.
			152:13-20	This designation is beyond the scope of plaintiffs' direct designation, and cumulative of previous testimony. 	This testimony describes the witness' visit to Parabe during the incident and is entirely within the scope of plaintiffs' direct on the same topic. <i>See e.g., 76:10-12; 76:19-22.</i> It is not cumulative.
			152:25	This designation is beyond the scope of plaintiffs' direct	This testimony describes the witness' visit to Parabe during

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**(Counter-Designations in italicized text)**  
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			153:3-4	<p>This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time.</p> <p><i>OK</i></p>	<p>This testimony describes the witness' visit to Parabe during the incident and is wholly within the scope of plaintiffs' direct on the same topic. <i>See e.g.</i>, 76:10-12; 76:19-22. It is not cumulative.</p>
			153:7	<p>This designation is beyond the scope of</p>	<p>This testimony describes the witness'</p>

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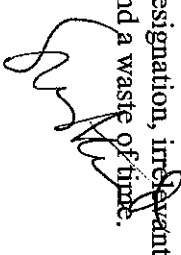
Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Cross Examination	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				<p>plaintiffs' direct designation, irrelevant and a waste of time.</p> 	<p>visit to Parabe during the incident and is wholly within the scope of plaintiffs' direct on the same topic. <i>See e.g.</i>, 76:10-12; 76:19-22. It is not cumulative.</p>
			155:6-9	<p>This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time.</p> 	<p>This testimony describes the witness' visit to Parabe during the incident and is wholly within the scope of plaintiffs' direct on the same topic. <i>See e.g.</i>, 76:10-12; 76:19-22. It is not cumulative.</p>



## PLAINTIFFS' DIRECT AND DEFENDANTS' CROSS EXAMINATION DESIGNATIONS OF ABEL OGBORU

(Counter-Designations in italicized text)

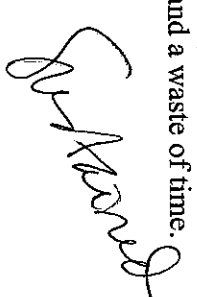
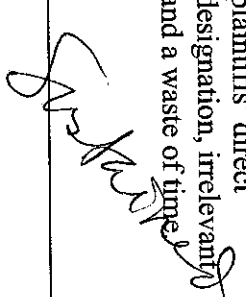
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			156:6-7	<p>This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time.</p> 	<p>This testimony describes the witness' visit to Parabe during the incident and is wholly within the scope of plaintiffs' direct on the same topic. <i>See e.g., 76:10-12; 76:19-22.</i> It is not cumulative.</p>
			156:10	<p>This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time.</p> 	<p>This testimony describes the witness' visit to Parabe during the incident and is wholly within the scope of plaintiffs' direct on the same topic. <i>See e.g., 76:10-12; 76:19-22.</i></p>

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					It is not cumulative.
			156:14-17	This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time. 	This testimony describes the witness' visit to Parabe during the incident and is wholly within the scope of plaintiffs' direct on the same topic. <i>See e.g., 76:10-12; 76:19-22.</i> It is not cumulative.
			156:25-157:3	This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time. 	This testimony describes the witness' visit to Parabe during the incident and is wholly within the scope of plaintiffs' direct on the same topic. <i>See e.g.,</i>

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					76:10-12; 76:19-22. It is not cumulative.
			184:18-185:1	This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time. This designation also makes no sense without context, but plaintiffs do not want to designate the context because it is cumulative of previous testimony, irrelevant and a waste of time.	This designation concerning the witness' ability to hear events on the Parabe platform over the noise from the helicopter is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' visit to Parabe by helicopter during the incident. It is closely related to many of plaintiffs' designations concerning the same

*OR*

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					subject and is relevant.
			185:4-9	<p>This designation is beyond the scope of plaintiffs' direct designation, irrelevant and a waste of time. This designation also makes no sense without context, but plaintiffs do not want to designate the context because it is cumulative of previous testimony, irrelevant and a waste of time.</p> 	<p>This designation concerning the witness' ability to hear events on the Parabe platform over the noise from the helicopter is well within the scope of plaintiffs' direct, which inquires into the details surrounding this witness' visit to Parabe by helicopter during the incident. It is closely related to many of plaintiffs' designations concerning the same</p>

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					subject and is relevant.